

THE HONORABLE BARBARA J. ROTHSTEIN

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CLERK U.S. DISTRICT COURT
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

RAYMOND LEICH, a resident of Florida,
derivatively on behalf of EVERGREEN STATE
RESTAURANT CORP.,

Plaintiff,

v.

CRAIG and JANE DOE EDWARDS,
Washington residents, and their marital
community,

Defendants,

and

EVERGREEN STATE RESTAURANT
CORP., a Washington corporation,

Nominal Defendant.

CRAIG R. EDWARDS, on his own behalf and
on behalf of EVERGREEN STATE
RESTAURANT CORP.,

Counterclaimant and Third-Party
Plaintiff,

v.

RAYMOND M. LEICH, an individual;
CLIFFORD L. JONES and LINDA JONES, and
their marital community; and EVERGREEN
RESTAURANT VENTURES, INC., a
Washington corporation,

Counterclaim Defendants and
Third-Party Defendants.

NO. C 03-0108 BJR

DECLARATION OF DAVID HOFF

CV 03-00108 #00000011

ORIGINAL

1 I, David Hoff, declare and state as follows:

2 1. I am an attorney for Plaintiff in this action. I am competent to testify and do so based
3 upon my personal knowledge.

4 2. Wednesday, February 19, 2003, I spoke with Spencer Hall, attorney for Defendant
5 Craig Edwards. I asked Mr. Hall if he would postpone the special shareholders meeting of
6 Evergreen State Restaurant Corporation scheduled for February 24, 2003 while the parties
7 considered alternate courses of action to resolve their dispute. Late in the day on Wednesday,
8 Mr. Hall advised Janissa Strabuk, another attorney in our office, that his client was unwilling to
9 postpone the meeting.
10

11 3. Accordingly, we immediately advised Mr. Hall that we would be seeking a Temporary
12 Restraining Order to postpone or cancel the shareholders meeting. We worked diligently on
13 the necessary paperwork and provided Mr. Hall copies of the moving papers Thursday evening,
14 February 20, 2003.
15

16 4. Ms. Strabuk and I offered to postpone seeking a Restraining Order on Friday, February
17 21, if Mr. Hall would also agree to postpone the shareholder's meeting until after a Temporary
18 Restraining Order hearing could be held. We advised Mr. Hall that he should contact us Friday
19 morning if he wanted to take advantage of this offer.
20

21 5. Attached to this Declaration as Exhibit A is a true and correct copy of the Complaint in
22 this matter.

23 6. Attached to this Declaration as Exhibit B is a true and correct copy of Defendant
24 Edwards' Answer, Counterclaims and Third Party Complaint.

25 7. No further pleadings have been filed to date in this matter.
26